

Testimony Summary of Michigan Association of Administrators of Special Education (MAASE)

Education Committee on “HB 5409-5418 Education Discipline.”

Submitted by MAASE President Elect:

Eric Hoppstock (Assistant Superintendent, Berrien RESA)

April 21, 2016

“Education Discipline – Seclusion and Restraint”

The Michigan Association of Administrators of Special Education (MAASE) places the safety, wellbeing, and the dignity of the children we serve first and foremost. We appreciate the goal of this collective legislation and wholeheartedly support the idea of utilizing seclusion and restraint in emergency situations only, once all other options are exhausted. We further believe there is language in this collective legislation that could be improved to provide clarity for those who will ultimately implement the legislative pieces. As the educators with the most experience in the practices of emergency seclusion and restraint, we offer our suggestions based on regular contact and extensive experience with children and young adults with significant behavioral challenges.

- For the most part the current legislative package brings forward the content and concepts of the “Supporting Student Behavior: Standards for the Emergency Use of Seclusion and Restraint” policy document adopted by the Michigan State Board of Education in December 2006.
- HB 5417, however, introduces a new phrase - “usual teaching environment” - which has differing meanings to different individuals, even with the attempt to define the phrase in the legislative package. The use of seclusion is limited to “emergency situations” in both the Michigan State Board of Education policy and HB 5417 with one clear exception: the State Board policy is clear in defining the room or area used for seclusion. Adding the new term, “usual teaching environment,” in HB 5417 produces confusion and increases the likelihood of staff misunderstanding and ultimately physical harm for students and staff.
- While the term “human rights committee” is used in both the State Board of Education Policy and HB 5414 a better conception for this system of checks and balances would be to direct the Department to establish a Statewide Restraint and Seclusion Advisory Committee. This provision would allow the Department to annually convene a group of key stakeholders to review available data on the implementation of the practice of emergency seclusion and restraint, identify troubling patterns that may exist, and make recommendations for continued improvement and necessary technical assistance.
- Finally, to the extent possible, data collection should use pre-existing data submission systems, rather than introducing duplicative county data collection systems, which will not allow for an aggregate analysis of these issues in the future.

MAASE urges a few targeted changes to this legislative package (see attached issue brief), to ensure clarity for the educators in the field who will ultimately implement this legislation. On behalf of the Michigan Association of Administrators of Special Education, we appreciate your consideration, and hope that we can partner to make this bill package as clear as possible. With minimal changes, we believe that this legislation can support the continued safety, wellbeing, and dignity of the children we serve, a goal that we know each of you share.

Eric Hoppstock, Assistant Superintendent
Berrien Regional Education Service Agency
269.471.7725x1342
eric.hoppstock@berrienresa.org

Issue Brief

Seclusion & Restraint Legislation

HB 5409 – HB 5418

April 13, 2016

Background

Michigan Association of Administrators of Special Education (MAASE) places the safety, wellbeing, and the dignity of the children we serve first and foremost. We appreciate the goal of this legislation and wholeheartedly support the idea of utilizing seclusion and restraint in emergency situations only, once all other options are exhausted. We further believe there is language in this legislation that could be improved to provide clarity for those who will ultimately implement it. As educators in the field, we offer our suggestions based on regular contact and extensive experience with children and young adults with significant behavioral challenges.

Current Needs/Recommendation

MAASE strongly urges targeted language revisions to HB 5413, HB 5414, HB 5415, HB 5416, and HB 5417 as an essential first step in legislation to improve the wellbeing of all Michigan students.

1. **HB 5413:** Lines 2-3 (Page 2) Recommend inserting language to streamline data collection and reporting as follows: The debriefing and consultation **shall follow guidelines and standards developed by MDE and shall be documented on a form developed by MDE including but not limited to...** Ideally, these questions are removed, as they are overly prescriptive and can be accomplished in a phone call or email to a student's parent(s)/guardian(s).
2. **HB 5414:** Recommend striking ~~Human Rights Committee~~ and replacing it with: The Michigan Department of Education shall establish a **Statewide Restraint and Seclusion Advisory Committee** comprised of key stakeholders. This committee shall meet annually to examine current guidance, practice, and available implementation data to make recommendations to the State Board of Education, as needed.

3. **HB 5415:** Recommend referencing data districts already submit annually:
 - a. **CEPI Registry of Education Personnel (REP) Reporting:** staff credential, credential type, assignment, and high education level are required. This will reduce the need to develop additional data keeping and reporting systems.
 - b. **Civil Rights Data Collection:** Districts currently report the incidents of seclusion and restraint by race, grade, gender, and disability status.
4. **HB 5416:** Recommend striking ~~Broader School Community~~ and replacing it with **School Personnel**.
5. **HB 5417:** Recommend replacing the definition of **Usual Teaching Environment** with: "A classroom hallway, lunchroom, gymnasium, administrative offices, or other room that is regularly used or accessed to teach and/or support pro-social behavior. The space used must be clean, safe, and sanitary, and must provide for continuous visual and auditory monitoring of the student's behavior by an adult." The reasons behind this recommendation are because:
 - a. Narrowing the locations where seclusion may be used is problematic. The legislation prohibits seclusion and then describes a practice that constitutes seclusion, but which can only occur in environments that are inherently dangerous for a student whose behavior is an imminent risk to his/her own safety or that of others. Seclusion rooms, when utilized correctly, are designed to provide for maximum student safety, dignity, and wellbeing.
 - b. To perform emergency seclusion or restraint in what is referred to as the "usual teaching environment" would, in most cases, increase the risk to the safety of the student, classmates, and staff. This will lead to disruptions in the educational learning of all students.
6. **HB 5417:** Replace definition for **Positive Behavioral Intervention and Support** with Michigan's Integrated Behavior and Learning Support Initiative (MiBLSi) definition: a schoolwide systems approach for establishing the social culture and behavior supports needed for schools to be effective learning environments for all students. The evidence-based features of schoolwide PBIS focus on prevention and define and teach positive social expectations, acknowledge positive behavior, arrange consistent consequences for problem behavior, and collect and use data regularly for decision-making purposes.